

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

**CARL T. BURTON *also known as***  
**CARL T. STEWART, JR.,**

**Plaintiff,**

**v.**

**DAVID A. VARANO, et al,**

**Defendants.**

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**Civil No. 1:13-CV-2518**

**Judge Sylvia H. Rambo**

**MEMORANDUM**

Before the court is a Report and Recommendation filed by the magistrate judge (Doc. 196) in which she recommends that summary judgement be granted to the remaining defendants, *i.e.*, Corizon Health Care Services, Jennifer Daya, Stanley Stanish, and Michael Weisner. The claims against these defendants are alleged violations of Plaintiff's Eighth Amendment rights for failure to provide adequate medical treatment for an alleged reaction triggered by Hepatitis C medications prescribed to him, as well as allegations of negligence/medical malpractice.

The magistrate judge thoroughly recited the law applicable to an Eighth Amendment claim and based upon the extensive, uncontroverted medical records and sworn declarations of Defendant Daya, found that Plaintiff failed to state a cause of action under the Eighth Amendment. The magistrate judge further found

that the medical malpractice claim failed to comply with Pennsylvania Rule of Civil Procedure 1042.3.

Based on the foregoing, the Report and Recommendation will be adopted and an order will issue.

s/Sylvia H. Rambo  
SYLVIA H. RAMBO  
United States District Judge

Dated: September 6, 2016